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No. 96-1010

Supreme Court, U.S.
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In The

Supreme Court of the United States

October Term, 1996

LARRY A. CROSSLEY
Petitioner,

v.

LIBERTY BANK & TRUST CO., THOMAS J. HROMATKA, C.E.O., HERTZ FARM MANAGEMENT INC., GARY LOOS AS RECEIVER, FARMERS CO-OP ASSOCIATION FOREST CITY, FARMERS CO-OP ELEVATOR CO. LELAND, DON SEVERSON, GARY STERLING, RONALD G. PYLE, RONALD PENNING, AND YET TO BE NAMED JOHN DOES,
Respondents.

On Petition For Writ of Certiorari To The United States Court of Appeals for the Eighth Circuit.

REPLY TO BRIEF IN OPPOSITION

LARRY A. CROSSLEY
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10 pp

QUESTIONS PRESENTED FOR REVIEW

1. Certiorari should be granted to supervise the departure from the accepted and usual course of judicial proceedings.

2. Certiorari should be granted to resolve the conflict among the Eighth Circuit and the State Court relative to the application of Title 42 U.S.C. §1983, 1985(3), 1986, Title 7 U.S.C. §2000 et. seq. and Iowa Code 561, 656, 554, 646, 680, I.R.C.P. 258.

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I. CERTIORARI SHOULD BE GRANTED TO SUPERVISE THE DEPARTURE FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS.

Respondent's claim that this court should deny this petition because it is meritless and to the point. The real truth is that the respondents rely heavily on erroneous State Court proceedings. Larry Crossley, petitioner, was denied due process of law and was deprived of his liberty and property rights, which is his homestead and his crops. Larry Crossley showed the Federal District Court that the Bank had waived any right to a deficiency judgment and therefore the homestead was exempt and also the crops. Larry Crossley repeatedly raised these issues in the State Court and argued the Iowa statutes several different times, but the respondents chose to be silent and the Iowa State Courts chose to overlook the Iowa Code Statute 561. The Iowa State Court proceedings are erroneous due to the very simple fact that they are not supported by and are in direct conflict with Iowa Code Statutes 561, 656, 646, 628, 554.9307, 654 and 680. The Bank and Hertz brought a forcible entry and detainer action against all of the Crossleys' to have them evicted from the homestead. The forcible entry and detainer action was dismissed June 16, 1992, this fact was brought to the attention of the Federal District Court, the Iowa State Court along with respondents in this case violated petitioner's due process rights by evicting him without proper notice, without a hearing and with no judgment against Larry Crossley to be dispossessed from his property.

Respondent's cases cited are not on point and contradict the Supreme Court, Justice Rehnquist, held in CELOTEX CORP. v. CATRETT 106 S. Ct. 2548 (1986), (3) nonmoving party need not produce evidence in a form that would be admissible at trial in order to avoid summary judgment. Petitioner made more than a sufficient showing of an essential element, which was the proof that the Bank waived any right to a deficiency judgment in the State Court proceedings. The SUPREME COURT of IOWA will not allow the appointment of a receiver in the case where the deficiency has been waived, see FEDERAL LAND BANK v. FAUGHT BROS. 468 N.W. 2d 793 795 Iowa (1991) "Where the right to a deficiency has been waived there exists no right to appoint a receiver...". Summary judgment should not be granted if a reasonable jury could return a verdict for the nonmoving party. ANDERSON v. LIBERTY LOBBY, INC., 477 U.S. 242, 248, 106 S. Ct. 2505, 2510, 91 L. Ed. 2d 202 (1986) Petitioner believes that a reasonable jury would have no problem, hearing the facts and the truth, that they would return a verdict in the petitioners favor. Petitioner submits that certiorari should be granted because the Federal District Court for the Eighth Circuit's judgment ignored the facts, the issues and the State and Federal Statutes Title 42 §1983, §1985(3), §1986, Title 7 U.S.C. §2000, Iowa Code §561 and acted as a super jury and decided the facts against the petitioner, this was reversible error. Petitioner, Larry Crossley, asks this Honorable Court to grant Certiorari and allow the truth to be told.

II. CERTIORARI SHOULD BE GRANTED TO RESOLVE THE CONFLICT AMONG THE EIGHTH CIRCUIT AND THE STATE COURT RELATIVE TO THE APPLICATION OF TITLE 42 U.S.C. §1983, 1985(3), 1986, TITLE 7 U.S.C. §2000 ET. SEQ. AND IOWA CODE 561,656,554,646, 680, I.R.C.P. 258.

All of the respondents have brought fraud upon this honorable court by the very findings of their pleadings as filed. These are "conclusions" as dismissal of petitioner's complaint was entered without petitioner's issue's being heard so the court based its "conclusion" had to be based either on "political reason" or "moral personal reason" both which are not founded with either the "commands" of the Constitution of the State of Iowa, which is found in a very recent decision by the United States Supreme Court, Justice Kennedy wrote so very clear of the mandates of all Federal courts which were denied to petitioner. See UNITED STATES v. GOOD REAL PROPERTY, 114 S. Ct. 492(1994) where the following statement is made as

> "Certain wrongs affect more than a single right and, accordingly, can implicate more than one of the Constitution's commands. Where such multiple violations are alleged, we are not in the habit of identifying as a preliminary matter the claim's 'dominant' character. Rather, we examine each constitutional provision in turn."

Discovery is a due process right wherein dismissal of Appellant-Crossley's complaint did deprive Crossley of "due process" in civil

matter, CHAPMAN VS. CALIFORNIA, 87 S. CT. 824 (1967) that states:

> "Constitutional rights requires due process.:

See also EX PARTE VIRGINIA, 100 U.S. 339 (1879) Wherein the entire opinion came down to the following:

> "14th Amendment requires "due process" and "equal protection" of property rights.:"

"Due process" is a "peoples right" see HOLDEN vs. HARDY, 18 S. CT. 833 (1898) wherein as seen in HUGHES vs. ROWE, 101 S. CT. 6 (1980) holds:

> "Action without full hearing is a "due process" violation and a civil rights violation as well."

The Federal Court's decision in this case has been in conflict with all the cases cited so far in this petition, the merits of this case have been totally overlooked, in RINALDI vs. YEAGER, 86 S. CT. 1497 (1966) where it states,

> "equal protection is constitutional right where denial of access to the courts is found."

Appellant-Crossley finds support in UNITED STATES vs. GOOD REAL PROPERTY, supra, as it must also be respectfully seen by review of OWEN vs. HAAS, 661 F. 2d 1242 (1979) states:

> Summary judgment reversed as implied power with gross negligence combined with deliberate indifference in local body is a person with proper jurisdiction with right of discovery with failure to state a claim motion reversed as parties have right to amend complaint as there is alleged actual and implied knowledge found is civil rights complaint that

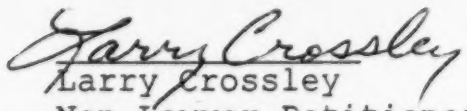
should not be dismissed at pleading stage."

Curiously the Eighth Circuit engaged in no real historical or legislative analysis of §1983, 1985(3), 1986. If it had it would have had to address the cases cited in this petition. No analysis of Crossley's liberty and property rights were addressed by the Federal District Court and undoubtedly not reviewed by the Eighth Circuit Court of Appeals. The respondents do not seem to realize that this is a liberty and property rights, due process case. The respondents have not made any ligitimate defenses for their actions to this very day. Larry Crossley has had to argue and spell out his case as though he was guilty of a crime, why? The real crime in this case is allowing the actions of the respondents to go unquestioned by anyone, why? How many more people are going to be victimized by these respondents and people like them?

CONCLUSION

This case presents serious due process and liberty and property rights issue's and constitutional rights concerning the statutes invoked in thousands of cases annually in Iowa and other states. Petitioner would like to remind this honorable Supreme Court that two sheriffs deeds were used, three writs of possession were used, the Bank waived any right to a deficiency judgment. A forcible entry and detainer action was brought and dismissed, and petitioner was deprived of his homestead and crops and the last important issue which not one of the respondents will acknowledge is that Larry Crossley holds legal title to the property in this case. Petitioner respectfully requests this honorable Court grant Certiorari to review the issues and allow the truth to be told.

Respectfully submitted,



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